IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO.21720 of 2000

Between:

A. Yakaiah S/o. Narasaiah
R/o. Paloncha, Khammam Dist.

..... PETITIONER

AND

1 A.P. Genco, Rep. by its Chairman-cum-Managing Director,
Vidyuth Soudha, Hyderabad.
2 The Chief Engineer, A.P. Genco.
K.T.P.S., Paloncha, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ declaring the action of the respondents for non-consideration of the case of the petitioner as per B.P.Ms.No.36 dt: 18-5-1997 is illegal, and arbitrary and consequently direct the respondents to verify the records for the period 1977-80 and to consider the case of the petitioner as per B.P.Ms.No.36 dt: 18-05-1997 and absorb the petitioner into Corporation service.

Counsel for the Petitioner: MR.P.VINAYAKA SWAMY

Counsel for the Respondents: SMT.K.SESHARAJYAM

The Court made the following:

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ORDER:

The present writ petition is filed questioning the action of the respondents in not considering the case of the petitioner for absorption into service as per B.P. Ms. No. 36, dated 18-05-1997.

The petitioner claims that he worked as a casual labour under the Assistant Divisional Engineer, “A” Camp Civil, K.T.P.S., Paloncha from
01-04-1977 to 31-03-1980, and in spite of his fulfilling the eligibility criteria prescribed under B.P. Ms. No.36, dated 18-5-1997, when the respondents did not consider his case for absorption into service, the petitioner along with some other casual labourers, earlier filed W.P.
No. 25142 of 1998 and the same was disposed of by this Court on
07-09-1999 directing the respondents to consider the claim of the petitioners therein for regularization of their services in the establishment of the respondent Board in terms of B.P. Ms. No. 36, dated 18-05-1997 notwithstanding the earlier Court orders, but subject to the petitioners fulfilling the prescribed eligibilities. The petitioner alleges that he fulfilled all requirements, and the respondents instead of considering his case, issued letter No. CD/OZM/KTPS/ADM/CC/D.No. 120/99, dated 03-06-1999 indicating that the certificates submitted by him could not be verified and decided as to its genuineness and that it is his duty to establish its authenticity beyond all reasonable doubt and as conclusive proof. Thereupon, the petitioner filed

a contempt case in C.C. No. 1121 of 1999 and the same was closed by order dated 21-4-2000, granting liberty to the petitioner to avail his remedies in an independent legal action, if the rejection of his claim is irregular. Hence, the present writ petition.

A counter affidavit is filed on behalf of respondents denying the averment of the petitioner that he worked as casual labourer under ADE/A-Camp/Civil/KTPS, and it is stated that no person by name "Rama Sastry" had worked as Assistant Divisional Engineer, at KTPS/A-Camp, Paloncha, and the certificate produced by the petitioner is a fabricated one. It is further stated that the relevant records i.e., PCBs etc were verified wherein it was established that the petitioner did not work with the Corporation and the certificate produced by the petitioner is not genuine one and a police complaint has also been lodged with local police against the petitioner. It is further stated that the Executive Engineer who is competent authority, has verified the records and submitted a report vide his Letter No. EE/C/O&M-II/KTPS/F-114/D No.743, dated 19.08.1999 indicating that petitioner's name is not found in the connected records.

Today when the matter is taken up for hearing, learned counsel for the petitioner submits that the petitioner intends to participate in the proceedings pending before the police and he be permitted to withdraw the writ petition with liberty to the petitioner to make claim before the respondents seeking his absorption into 2nd respondent-Corporation in terms of B.P.M.S.No.36, dated 18.05.1997, in the event if he succeeds in the proceedings pending before the police.

In that view of the matter, the writ petition is dismissed as withdrawn granting liberty to the petitioner to make claim before the respondents seeking his absorption into 2nd respondent-Corporation in terms of B.P.M.S.No.36, dated 18.05.1997, in the event if he succeeds in the proceedings pending before the police. No costs.

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(N.V. RAMANA, J)

Date: 06.07.2005

Nsr/Da

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chairman-cum-Managing Director, A.P. Genco,
Vidyuth Soudha, Hyderabad.
2 The Chief Engineer, A.P. Genco.
K.T.P.S., Paloncha, Khammam District.

3 2 CD copies

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